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10/720,933	11/24/2003	Mahesh Rajagopalan	03-1027	5242

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EXAMINER

JAKOVAC, RYAN J

ART UNIT	PAPER NUMBER
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2445

NOTIFICATION DATE	DELIVERY MODE
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02/25/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/720,933	Applicant(s) RAJAGOPALAN ET AL.	
	Examiner RYAN J. JAKOVAC	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 02/10/2011 with respect to claims 1-70 have been fully considered.
2. Applicant argues in summary that French-St. George does not disclose:
 - a) “sending a notification of a collaboration request to a device associated with the calling party based on the response, the collaboration request being a request for a collaboration to share data interactively between the called party and the calling party, the collaboration being in addition to the call”; and
 - b) “receiving a response to the collaboration request from the calling party accepting or denying the collaboration request”
3. Regarding a), The Examiner respectfully disagrees as French-St. George discloses these limitations in at least col. 7:50 – col. 8:50. A notification is sent to the calling party requesting a communications event in a particular format. The communication events include sharing data interactively, for example in video conferencing (French-St. George, col. 6:48-53.), or text messaging (French-St. George, col. 8:5-11). Therefore, French-St. George discloses the limitations as described in a).
4. Regarding b), French-St. George discloses that in response the request for the communications event in a particular format, the caller selects the event in a particular format (i.e. responds accepting the request). Therefore, French-St. George discloses the limitations as described in b).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
6. Claims 48-62 are rejected under 35 USC 101 because the claimed invention is directed towards nonstatutory subject matter.

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7. The claim(s) are drawn towards a “computer readable medium”. Applying the broadest reasonable interpretation in light of the specification and taking into the account the meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art (MPEP 2111), the claim as a whole covers both transitory and non-transitory media. Moreover, applicant’s specification recites compute-readable media to include a carrier wave (See the Applicant’s specification in paragraph [0124]. A transitory media does not fall into any of the four statutory categories of invention.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-70 rejected under 35 U.S.C. 102(b) as being anticipated by US 6,122,348 to French-St. George et al (hereinafter French-St. George).

Regarding claims 1, 24, 47, 49, 14, 37, 48, 62-69, French-St. George teaches a method comprising:

receiving information pertaining to a call to a called party placed by a calling party (French-St. George, col. 3:50 -col. 4:55, col. 6:30-65.);

sending a notification of the call to a device associated with the called party (French-St. George, col. 7:20-26.);

receiving a response to the notification (French-St. George, col. 7:20-26.);

sending a notification of a collaboration request to a device associated with the calling party based on the response, the collaboration request being a request for a collaboration to share data interactively between the called party and the calling party, the collaboration being in addition to the call (French-St. George, col. 7:50 – col. 8:50.);

receiving a response to the collaboration request from the calling party accepting or denying the collaboration request (French-St. George, col. 7:60-67.); and

connecting the call between the calling party and the called party when the calling party denies the collaboration request (French-St. George, col. 8:20-30, “receiver to automatically request that the caller leave a message rather than complete the requested synchronous dialogue”.);

initiating the collaboration between the called party and the calling party based on a determination that the calling party accepts the collaboration request (French-St. George, col. 3:50-67. See also fig. 3, 310.).

wherein conducting the collaboration comprises using application software that provides multiparty communication between at least the called party and the calling party (French-St. George, fig. 3, col. 5:30-60, col. 7:55-67.).

Regarding claim 2, 25, 50, French-St. George the method of claim 1, wherein the information pertaining to the call comprises at least one of called number data, calling name data, and calling number data (French-St. George, col. 5:63 – col. 6:10-57.).

Regarding claim 3, 15, 26, 38, 51, French-St. George teaches the method of claim 1, wherein sending a notification of the call comprises:

retrieving data corresponding to the called party using the information pertaining to the call (French-St. George, col. 5:30 – col. 6:10. col. 4:40-64, col. 7:50- 8:44.);

selecting a device associated with the called party to receive the notification of the call based on the data corresponding to the called party (French-St. George, col. 5:30 – col. 6:10. col. 4:40-64, col. 7:50- 8:44.); and

providing the notification of the call to the selected device for display on the selected device (French-St. George, col. 5:30 – col. 6:10. col. 4:40-64, col. 7:50- 8:44.).

Regarding claim 4, 16, 27, 39, 52, French-St. George the method of claim 1, wherein the notification of the call comprises a user-selectable collaboration option (French-St. George, col. 7:50-col. 8:50, see also fig. 3.).

Regarding claim 5, 17, 28, 40, 53, French-St. George the method of claim 4, wherein the notification of the call is displayed on the device associated with the called party (French-St. George, col. 7:50-col. 8:50, see also fig. 3.).

Regarding claim 6, 18, 29, 41, 54, French-St. George the method of claim 1, wherein sending a notification of a collaboration request comprises:

providing the notification of the collaboration request to a device used to place the call for display on the device used to place the call, based on a determination that the response to the notification of the call indicates that the collaboration is requested (French-St. George , col. 7:57-col. 8:10.).

Regarding claim 7, 19, 30, 42, 55, French-St. George teaches the method of claim 1, wherein sending a notification of a collaboration request comprises:

retrieving data corresponding to the calling party using the information pertaining to the call, based on a determination that the response to the notification of the call indicates that the collaboration is requested (French-St. George, col. 5:30 – col. 6:10. col. 4:40-64, col. 7:50-8:44.);

selecting a device associated with the calling party to receive the notification of the collaboration request based on the data corresponding to the calling party (French-St. George, col. 5:30 – col. 6:10. col. 4:40-64, col. 7:50- 8:44.); and

providing the notification of the collaboration request to the selected device associated with the calling party for display on the selected device associated with the calling party (French-St. George, col. 5:30 – col. 6:10. col. 4:40-64, col. 7:50- 8:44.).

Regarding claim 8, 20, 31, 43, 56, French-St. George the method of claim 1, wherein the notification of the collaboration request comprises user-selectable options for accepting and declining the collaboration request (French-St. George, col. 7:50-col. 8:50, see also fig. 3.).

Regarding claim 9, 32-33, 57, 70, French-St. George the method of claim 1, further comprising, prior to sending the notification of the collaboration request:

launching the collaboration between the called party and the calling party from the perspective of the called party (French-St. George, col. 3:50-67. See also fig. 3, 310.).

Regarding claim 10, 23, 34, 46, 58, French-St. George the method of claim 9, the connecting comprising: launching the collaboration between the called party and the calling party from the perspective of the calling party, based on a determination that the calling party accepts the collaboration request (French-St. George, col. 3:50-67. See also fig. 3, 310.); and

connecting the call between the called party and calling party (French-St. George, col. 3:50-67. See also fig. 3, 310.).

Regarding claim 11, 21, 44, 59, French-St. George the method of claim 9, the connecting comprising: launching the collaboration between the called party and the calling party from the perspective of the calling party, based on a determination that the calling party accepts the collaboration request (French-St. George, col. 3:50-67. See also fig. 3, 310.), wherein the collaboration includes a data connection and a voice connection (French-St. George, col. 4:50-64.).

Regarding claim 12, 22, 35, 45, 60, French-St. George the method of claim 9, the connecting comprising: launching the collaboration between the called party and the calling party from the perspective of the calling party based on a determination that the calling party accepts the collaboration request (French-St. George, col. 3:50-67. See also fig. 3, 310.), wherein the collaboration includes a data connection and a voice connection (French-St. George, col. 4:50-64.), wherein the collaboration includes a data connection (French-St. George, col. 3:50-67. See also fig. 3, 310.), wherein the collaboration includes a data connection and a voice connection (French-St. George, col. 4:50-64.) and a videoconferencing connection (French-St. George, col. 6:45-55.).

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Regarding claim 13, 36, 61, French-St. George the method of claim 9, the connecting comprising: ceasing the collaboration launched from the perspective of the called party based on a determination that the calling party declines the collaboration request; and connecting the call to the called party between the called party and the calling party (French-St. George, col. 8:20-30, “receiver to automatically request that the caller leave a message rather than complete the requested synchronous dialogue”).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Jakovac/